

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOE TRAMPAS BENAVIDES,)
ID # 1812093,)
Petitioner,)
VS.) CIVIL ACTION NO.
)
TRACY HOLMES, District Judge,)
363rd Judicial District Court,)
Dallas County,)
LORIE DAVIS, Director,)
Texas Department of Criminal)
Justice, Correctional Institutions)
Division,)
Respondents.) 3:18-CV-2032-G (BH)

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the U.S. Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court.

For the reasons stated in the findings, conclusions, and recommendation of the U.S. Magistrate Judge, the petition (docket entry 3) is construed as a successive habeas corpus petition and will be **TRANSFERRED** to the United States Court of

Appeals for the Fifth Circuit pursuant to *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002), and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997), by separate judgment.*

SO ORDERED.

August 29, 2018.

A. Joe Fish
A. JOE FISH
Senior United States District Judge

* A certificate of appealability (COA) is not required to appeal an order transferring a successive habeas petition. See *In re Garrett*, 633 F. App'x 260, 261 (5th Cir. 2016); *United States v. Fulton*, 780 F.3d 683 (5th Cir. 2015).